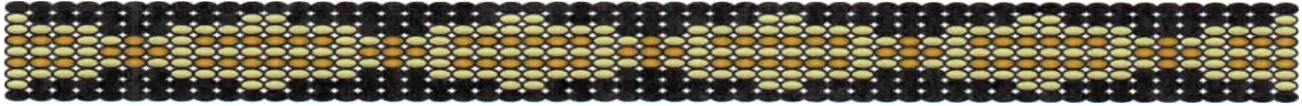


Catawba Indian Nation
Tribal Historic Preservation Office
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Rock Hill, South Carolina 29730
Office 803-328-2427
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June 15, 2017
Federal Communications Commission
Washington, D.C. 20554

Dear FCC Commission,

The Tribal Historic Preservation Office (THPO) of the Catawba Indian Nation is charged with preserving, protecting and maintaining our culturally significant sacred sites (both prehistoric and historic), burial grounds, and landscapes using Section 106 of the National Historic Preservation Act (NHPA) and our tribe's THPO code. Our THPO program has been in operation since 2000.

Recent infrastructure improvements have brought new challenges to the table. However, we strongly urge the commission to take into consideration that these improvements to the emerging 5G technology by the wireless telecommunications industry can be implemented without endangerment of culturally significant sacred sites, burial grounds, and landscapes. It should be noted that Tribes and the intent of the National Historic Preservation Act do not consider these mandates to be "barriers" to infrastructure investment. Therefore, we urge the Commission to work with Tribes within the context of Government-to-Government Consultation when deliberating procedural changes, including timeframes, fee schedules and Tribal areas of interest.

As you know, it took over a year to develop TCNS with tribal participation. The proposing of these major changes with only a 30-day time period is very disturbing and infers that the changes are being decided without the proper honoring of Tribal sovereignty. To adopt changes without meaningful "point by point" consultation would seem to confirm our concerns.

It is imperative that the TCNS Program continue in-force to prevent damage and destruction of sacred, culturally significant, prehistoric and historic sites of the Catawba Indian Nation. We also urge meaningful consultation with Tribes to resolve the "problems" that the FCC is seeking to resolve. We strongly state that your TCNS site is a very useful tool to address, track, monitor, and expedite the placement of cellular technology infrastructure within the jurisdictional territory of the Catawba Indian Nation. The TCNS Program provides the solution to the FCC's obligation to consult individually. The United South and Eastern Tribe's Best Practices in regards to cellular infrastructure has been in effect for over a decade. It is a useful document that we feel should be adopted by the FCC as a standard for use by all Tribes. Any modifications to accommodate new cellular infrastructure should be

developed in consultation with Tribes and industry. We have developed relationships with many of the consultants that we work with through the TCNS Program. It is our policy to provide prompt response to all cell tower notifications. Because of the TCNS Program, we have been able to avoid the destruction of several culturally significant sites to our Tribe.

The position paper comment of the National Congress of American Indians, United South and Eastern Tribes Sovereignty Protection Fund and National Association of Tribal Historic Preservation Officers was developed in consultation with many of the constituent Tribes of these entities. Therefore, we strongly urge you to consider the points presented in their comment paper. We feel that this paper reflects our concerns adequately and as such do not need to be restated. There are many points in their comment paper but one comment that they address seems to be a repeated referenced concern of the FCC. That concern involves compensation for Professional Services. We feel their paper adequately addresses this concern but we would also like to go on record stating that Tribes are justified in requesting payment when they provide their unique expertise in a consultant role. We feel that Tribes become consultants in this process when they enter into discussions with applicants on the historic and cultural properties that may be impacted by building new infrastructure. As stated by their joint paper: "The USET Culture and Heritage Committee simplifies this dichotomy into two elements.

- 1) The FCC has a requirement to consult with Tribes. At this point in the process, this engagement is reflective of the government-to-government relationship.
- 2) At the point in which "special expertise" of special cultural expertise is necessary, Tribes then take on this "consultant" role. However, Tribal Nations are consultants unlike any others, with expertise in their own cultures that cannot be duplicated by outside entities. The provision of this expertise, for FCC and industry purposes, is best understood in the business model of a "consultant".

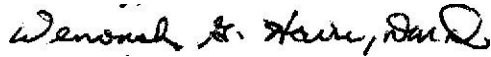
This FCC-USET document states that "Contact between Applicants and Tribes is a twostep process," Initial Contact being the first step and a Tribal Interest Discussion being the second. During initial contact, a Tribe determines if it has a cultural or historical interest in the proposed site. The yes or no answer regarding initial interest would not require payment from the applicant. We certainly feel that the TCNS system has allowed applicants direct access to Tribes that have a concern about area where a particular site is being proposed. Without this system, the applicants would need to contact all 567 federally recognized Tribal Nations. The system does not need to be abandoned because a "few Tribal Nations may be driving this conversation in a way that will impact all Tribal Nations. If the FCC believes a Tribal Nation is charging exorbitant fees, it is the responsibility of the FCC to work with that individual Tribal Nation to remedy the situation. Changing policy in reaction to a small number of Tribal Nations, to the detriment to all Tribal Nations, would set a harmful precedent and would be contrary to the Commission's trust responsibility to work in the best interest of all Tribal Nations". As stated earlier, we are very much in agreement with the National Congress of American Indians, United South and Eastern Tribes Sovereignty Protection Fund, and National Association of Tribal Historic Preservation Officers' comment paper! We feel that all their points directly address our concerns.

In conclusion, we are extremely concerned with the proposed policy changes contained in the NPRM. These changes have the potential to harm a predominantly functional Tribal review process and Tribal culture resources and they run counter to the intent of many laws, including the National Historic Preservation Act.

The Catawba Indian Nation strongly urges the Federal Communications Commission to uphold the TCNS Process and allow for us to protect our culture and heritage.

Finally, it is the Commission's obligation to the United States' 567 Tribal Nations to consult on any major changes to Federal Government processes that impact Tribal Nations. Your obligation to consult with Indian Country does not end when the Public Comment period ends. Tribes should be consulted on all changes at the FCC, including the implementation of this Proposed Rulemaking.

Sincerely,

A handwritten signature in black ink, appearing to read "Wenonah G. Haire, DMD". The signature is fluid and cursive, with the last name "Haire" being particularly prominent.

Wenonah G. Haire, DMD

THPO-Catawba Indian Nation

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m cc: William Harris, Chief